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17                  Attorneys for Plaintiffs

18                  IN THE UNITED STATES DISTRICT COURT  
19                  FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20                  (SAN FRANCISCO DIVISION)

21                  IN RE: BEXTRA AND CELEBREX         ) MDL CASE NO.: 05-CV-1699  
22                  MARKETING SALES PRACTICES AND     )  
23                  PRODUCT LIABILITY LITIGATION     )  
24                  \_\_\_\_\_  
25                  )

26                  ACQUAROLE, et al.,                     ) CASE NO. CGC-06-449463  
27                  ) MDL Case No. 06-2392 CRB  
28                  ) \_\_\_\_\_

29                  Plaintiffs,                             ) STIPULATION AND ORDER OF  
30                  ) DISMISSAL WITH PREJUDICE  
31                  vs.                                     ) AS TO PLAINTIFF ANDI PETITO  
32                  ) \_\_\_\_\_

33                  Pfizer, Inc., et al.                     )  
34                  ) \_\_\_\_\_

35                  Defendants.                             )  
36                  ) \_\_\_\_\_

37                  COME NOW, Plaintiff ANDI PETITO and Defendants PFIZER, INC., et al., by and  
38                  through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and  
39                  )

hereby stipulate to the dismissal of Plaintiff ANDI PETITO from this action, with prejudice, each side bearing its own attorney's fees and costs.

Respectfully submitted,

Dated: September 24, 2009

## KABATECK BROWN KELLNER LLP

By:

Brian S. Kabateck, Esq.  
Attorneys for Plaintiff ANDI PETITO

Dated: October 27, 2009

DLA PIPER LLP

/s/

By:

Matthew A. Holian  
Attorney for Defendants PFIZER, INC., et al.

**ORDER**

**PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS SO ORDERED.**

Dated: OCT 29 2009

Honorable Charles R. Breyer  
United States District Court

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF ANDI PETITO**